

Special Education Advisory Panel Meeting Minutes

Holiday Inn Helena Downtown

Helena

October 28-29, 2004

Members in Attendance: Russ Bean, Chair, Jeff Stelloh, Janet Jansen, Bob Peake, Gary Perleberg, Robert Maffit (Friday), WyAnn Northrop, Dick Slonaker, Diana Colgrove, Cody Sinnott

Members Excused: Holly Raser, Bob Maffitt (Thursday), Norma Wadsworth, Steve Gibson

Non-Members in Attendance: Bob Runkel, Marilyn Pearson, Frank Podobnik, Dick Trerise, Dan McCarthy, Susan Bailey-Anderson, Marlene Wallis, Tim Harris, Sib Clack, Cleo Klepzig, Kent Rice, Linda McCulloch

Wednesday, October 27, 2004

Orientation Meeting for New State Special Education Advisory Panel Members

Russ Bean, Chair, welcomed and introduced the new Panel members.

Bob Runkel introduced John Copenhaver to the new members of the Panel. John is the Director of the Mountain Plains Regional Resource Center in Logan, Utah.

John Copenhaver explained the requirements of the Panel to the new members. He explained that a majority of the members must be individuals with disabilities or parents of children with disabilities. The state superintendent appoints the Panel members. Panel members represent a stakeholder group and should express the views of that group. The Panel's role is to advise not advocate regarding priority issues. Functions of the Panel that are outlined in the IDEA regulations include: advise the SEA of unmet needs within the state in the education of children with disabilities; comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities; advise the SEA on developing evaluations and reporting on data to the Secretary under Section 618 of the Act; advise the SEA in developing improvement plans to address findings identified in federal monitoring reports under Part B of the Act; advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities; and advise on eligible students with disabilities in adult prisons.

The resources that are available to the Panel include: State and Federal Special Education Regulations, State Improvement Plan, State Improvement Grant, State Biennial Report, Last Year's Annual Report, DPH/Mediation/Complaint Trends, State Monitoring Data, Due Process Information and State Monitoring Information.

It was noted that the Panel serves without compensation, attends reasonable and necessary meetings and may request interpreters. The Panel needs to input agenda items. The meetings are open for public comment with ground rules and official minutes are taken.

Bob Runkel explained the Panel's role is also advising the State Education Agency (SEA) of unmet needs within the state in the education of children with disabilities. He also informed the Panel that they can comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities. The Panel advises the SEA in developing evaluation and reporting on data to the Secretary under Section 618 of the Act; advises the state in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the Act; advises the SEA in developing and implementing policies relating to the coordination of service for a child with disabilities; and advises on eligible students with disabilities in adult prisons.

Bob explained his role on the Panel. He provides information to Panel members; assists in the development of the Panel agenda; reports to the Panel on priority issues; and provides a state-of-the-state report.

John Copenhaver informed the Panel that the following are also important: annual meetings to set goals and priorities; meetings at least every two months; close working relationship with the state director; compose awareness brochures; develop user-friendly annual report; and remember that the Panel is advisory, not advocacy, in nature. He also noted that Panel members should make it a priority to attend the meetings.

Marilyn Pearson said that if the members have questions regarding arrangements for the meetings to contact Marlene Wallis. Marlene takes minutes for the Panel, handles all of the logistics for the Panel meetings, and handles all of the reimbursements and renewal units. Marilyn explained that her role with the Panel is to serve as the Office of Public Instruction's liaison to the Panel. In that capacity, she works with the Panel chair and Bob to develop the agenda, prepare the annual report and to coordinate the Panel's activities.

Marilyn Pearson went through the information contained in the notebook that was presented to the new Panel members. The information included state and federal regulations, state improvement plan, state improvement grant, the annual report and forms and special education guides that are available.

John Copenhaver presented the new Panel members with an orientation packet of materials. He explained the role that the Mountain Plains Regional Resource Center plays in assisting special education in Montana.

Thursday, October 28, 2004

Russ Bean, Chair, called the regular meeting of the Panel to order at 8:30 a.m. The Panel members and guests introduced themselves. He requested that the Panel members review the Proposed Agenda. Following review of the Proposed Agenda, Gary Perleberg moved to accept the agenda, WyAnn Northrop seconded the motion and the motion passed. The minutes of the June 4, 2004, meeting were reviewed and Gary Perleberg moved to accept the minutes and Dick Slonaker seconded the motion. The motion passed and the minutes were approved as written.

OPI Report—Bob Runkel

IDEA Reauthorization

Bob Runkel noted that progress is being made with reauthorization. He said that the Assistant Secretary for OSEP is confident that in three-four weeks there should be a bill and that it has a 70-80 percent chance of passing.

Electronic IEPs

The western part of Montana is collaborating on electronic IEPs. The idea of filling out an IEP on the computer has gathered much interest. This interest peaked last year. Three private vendors discontinued supporting their products in Montana because of the low population and for other reasons. Bob said the OPI is looking at requesting more information from other states. John Copenhaver said he knows of the program in Nebraska. He said is it a very cost-effective program. John will have someone from Nebraska contact Bob.

Children's Mental Health

Bob Runkel noted that the schools that have the CSCT program like it. The program has strict parameters—school contracts, limit of 12 students and students must have a serious emotional disturbance. The students in the program are usually in the regular classroom. Most students who need CSCT services are Medicaid eligible. Bob said that schools are required to follow a complicated set of regulations to implement CSCT services.

Medicaid Refinancing

Bob Runkel said that this year we have our data for Medicaid reimbursement and that funds paid to schools for the 2003-2004 school year could total \$7 million - \$8 million. In prior years, the funds were \$1 million. For claiming purposes, school psychologists, personal care attendants and student transportation were added this year, along with CSCT services.

General Supervision Enhancement Grant

Bob Runkel informed the Panel that the OPI received a General Supervision Enhancement Grant in the amount of \$412,000 for one year. The title of the project is "Making Connections." The grant proposes to develop critical components of an infrastructure that will support a coordinated and comprehensive system of professional development, technical assistance and information dissemination delivery. The system is designed to support the state, district and local entities in their efforts to improve student outcomes for all students.

Early Childhood Initiative

Governor Judy Martz has recommended a full-day kindergarten for Montana students. Schools would have the option of the full-day kindergarten. Bob Runkel said that the Federal Reserve

Bank study has suggested that for every dollar invested in high-quality early childhood education, society is paid back \$8.

Professional Development in Montana

Dick Trerise and Susan Bailey-Anderson reported on Professional Development in Montana. They explained how professional development works in the big picture. Necessary things should be done in the right balance—find balance in how we prepare our educators, the burn-out factor in special education, community expectations, recruitment/retention, accountability with No Child Left Behind (NCLB) and test scores.

Susan went through the Montana Behavioral Initiative (MBI) and CSPD brochures with the Panel.

Joint Meeting of the State Special Education Advisory Panel and the Comprehensive System of Personnel Development Councils (CSPD)

Bob Runkel said that the purpose of the Joint CSPD/Advisory Panel meeting is to strategize about priorities for the next state improvement grant. He said key issues of the year need to be discussed, including successes of the development of the previous state improvement grant.

Bill Woodford informed the group that the CSPD, five regional structures and state board provide Quality Professional Development throughout the state. Last year, the CSPD sponsored 200 trainings involving nearly 4,500 participants.

Russ Bean, Chair, Advisory Panel, told the group that the Panel advises on policy, procedures and communication with the federal government. He noted that a diverse group makes up the panel, including students, teachers, parents and businessmen from throughout the state.

The following sessions were presented: Setting the Stage “Clarification of Priority Setting Activity; Review of Current Montana SIG”; Part C Grant—No Child Left Behind as it applies to Part C, Working with the National Outcomes Center; Dissemination of Early Childhood Best Practices; Abstract for Montana’s Part C General Supervision Enhancement Project; Broad Goals/Emerging Issues, including Secondary Transition, MBI, Native American Secondary Transition, PLUK Relationship, Parent Involvement on Advisory Panels, Recruitment and Retention of “Highly Qualified” Teachers, Literacy and Learning (Early Intervention) and Carry Over “We Teach All” and Assessment from the previous SIG Grant.

Friday, October 29, 2004

Superintendent Linda McCulloch addressed the Panel. She welcomed the new members and thanked the members from last year for their dedication to the Panel and to the students of Montana.

Early Assistance Program

Tim Harris reported on the Early Assistance Program. He said that the complaint officer/specialist works with the attorneys to try to resolve complaints before they become due process hearings. He said that the due process hearings have been reduced to one or two a year and most are resolved through Tim and the part-time personnel. Tim said that North Dakota has picked up on Montana's process. Staff from North Dakota came to Montana for one and one-half days to observe Montana's process.

Tim said that the number one issue being resolved is students with autism.

When Tim is looking for assistance in a particular area, he sends out a message to the 20 part-time personnel. Those with expertise in the particular area usually provide the assistance.

Tim informed the Panel that mediators/hearing officers are provided by the OPI. He also told the Panel that he provides technical assistance for 504 issues.

Bob noted that an issue on the national level is textbook accessibility. Bob will report on the status of the accessibility law passed regarding textbooks at the next meeting. This law is for those states that approve textbooks. Montana does not approve textbooks.

Tim reported that many of the issues presented can be resolved with a telephone call.

Universal Newborn Hearing Screening (UNHS)

Sib Clack, supervisor of Maternal Child Health (MCH) Data Monitoring Section, gave a presentation on the Universal Newborn Hearing Screening Program (UNHS). The purpose of the program is to identify hearing loss or deafness in newborn infants and to make referrals to ensure early intervention. Sib reported that she is working on a new grant which focuses on timely follow-up services for newly diagnosed infants/children with hearing loss.

Cleo Klepzig, parent of a deaf child, addressed the Panel with the problems she encountered in trying to receive assistance for her child. She said that it is important for newborn hearing screening so that infants with hearing disabilities can access the system. Deficient areas need to be addressed.

Following several hearing tests, her child received hearing aids at six months. At age 3, the child was not making progress, even though attending speech therapy weekly. Cleo said that her expectations were too high. It was discovered that the child did not have the correct hearing aids.

Following the presentation, Cleo and Sarah Eyer signed to a musical number. This was very moving to the Panel members and guests.

Gary Perleberg made a motion that the Advisory Panel write a letter of support for the grant to be submitted by the DPHHS for timely follow-up services for infants/children with hearing impairments; Bob Maffit seconded the motion and the motion passed.

Compliance Monitoring Results for 2003-2004

Dan handed out copies of the *Montana Special Education Compliance Monitoring Results 2003-2004* report. He presented an analysis of the results of compliance monitoring during the past school year. Dan reviewed monitoring reports from 34 public school districts and found that seven reports reported no compliance concerns, 16 required a corrective action plan (CAP) to come into compliance, 10 required both a CAP and confidential memorandum (CM) to ensure that individual students receive a free, appropriate public education, and one district required only a CM to ensure compliance with the IDEA. Sixteen of 34 districts required only one CAP to address compliance concerns, while one required six individualized CAPs to address concerns, but the reports prescribed two or three CAPs. Most often, a CAP addressed the need for documentation of a review of existing evaluation data to support appropriate identification by the Child Study Team. Other CAPs addressed contents of individualized education programs, forms used to document special education activities, or evaluation procedures. Dan also described the topics of technical assistance provided with the monitoring reports.

Technical Assistance and Training Activities Focused on Compliance Monitoring Results

Frank Podobnik reported on the available technical assistance and training activities focused on compliance monitoring. He said that the Division of Special Education has available written technical assistance guides covering all aspects of the special education process. The guides are available electronically on the special education Web site.

Frank noted that in addition to the guides, staff from the Division of Special Education are available to assist school districts by providing technical assistance training on specific topics. The most common topics are: New Teacher Training; Special Education for General Educators; The Art of Writing PLEPs, MAGs and STOBs; The Review of Existing Evaluation Data; Transition Services; Behavioral Support; Mandt Training; The Record Review; and Compliance Monitoring Overview.

Adequate Yearly Progress

Bob provided the panel with critical issues surrounding the procedures used in the calculation of adequate yearly progress (AYP) under the No Child Left Behind Act (NCLB). Students with disabilities are one of the disaggregated subgroups under NCLB. The NCLB requires that students achieve proficiency in the state standards for reading and math. Often, the percentage of children with disabilities achieving proficiency fails to reach the required percentage for a school or district. As a result, it is not uncommon for any school or district to be identified as needing improvement solely because of the disaggregated subgroup of children with disabilities.

Unfortunately, when calculating the disaggregated subgroup of students with disabilities, the requirements of NCLB do not allow states to include the scores of students with disabilities who

are no longer in special education. Thus, the effectiveness of the special education program is judged only by the scores of those students who are currently in special education and no credit is given for the children who have been so successful that they no longer need special education. Work needs to be done to correct this inequity.

Agenda Items for Next Meeting

Montana School for the Deaf and Blind Outreach Programs
Overview of What Montana School for the Deaf and Blind Has
OPI Input for Deafness
Training for Interpreters
Hearing Conservation
Books on Tape—Services for Blind
Parent Involvement (Improve)
Individual Disabilities
Information—Services Available in Juvenile Detention (Kids with Disabilities)
AYP—Update (How it Works)
MYLIF (Jude)
Legislative
Reauthorization

WyAnn moved to adjourn the meeting, Bob Peake seconded the motion and the motion passed. The meeting adjourned at noon.